

AGENDA Committee on Public Safety Friday, April 22, 2016 @ 3:30 p.m. City Council Chambers, 10th Floor, City Hall

Councilmember Carol Wood, Chair Councilmember Adam Hussain, Vice Chair Councilmember Kathie Dunbar, Member

- 1. Call to Order
- 2. Roll Call
- 3. Minutes
 - March 31, 2016
- 4. Public Comment on Agenda Items
- 5. Discussion/Action:
 - A.) Discussion on Draft Medical Marijuana Ordinance with City Attorney's Office
- 6. Other
- 7. Adjourn
- Pending Continued discussion regarding 3200 S. Washington
- Pending Update on Community Police Officers with LPD
- Pending Discussion regarding lead



Please print clearly to help ensure accuracy NAME **ADDRESS EMAIL** Representing PHONE 1122 Hickory St. self Meyiwaiola Alohamanaloa 517) 455 6247 Lansing, MI 48912 110 Th. Hadge mby Horne NA self&D. E.N. A. 40910 882-1622 2201 PAMERA PL MARYLIN EBAUGH LANSING monica contilla lelle cinecil com Menica Wutson Suzanne Elms-Barcley emwombaldta Comeast. Net Rejuvenaling UB15 Tressa lane M Womboldt LANSING Brund Puffiswal Angey, con 205 Wighton 517.202-Sean Home Gon 4225 230 MCany DV 501-202-2608 1 M-512 Auan Design 326 (4) ad.C Parrish ansins m East side , Resident 330 479 6066 505 LESLIE tiheartlandhemp@gmail.com DOYLE IEISHA NAGE PATRICK South side Bessemant JUNETE O nicholslawinet Joshua Covert 269.873-7775 E. Lansing, MI 43823 2116 FERVULST, 394-1196 RJS. LANS BRANDON. MONTEMATOR GMASS. COM SUPERSUR GOVERS 1522 TURNIA ST 577-507-2348 BRANDON Montemaron LANSING MI 48906 Seff Larned Consell 517-894-8083 asohn

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MINUTES Committee on Public Safety April 22, 2016 @ 3:30 p.m. Tenth Floor Conference Room – Lansing City Hall

CALL TO ORDER

The meeting called to order at 3:30 p.m.

ROLL CALL

Councilmember Carol Wood, Chair Councilmember Adam Hussain, Vice Chair Councilmember Kathie Dunbar, Member-arrived at 3:40 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff Kristen Simmons, Assistant City Attorney Mark Dotson, Deputy City Attorney Meuiwaiola Alohamanaloa

Emily Horne

Marylyn Baugh

Monica Watson

Suzanne Elms-Barclay

Elaine Womboldt

David Womboldt

Kathy Miles

Deb Parrish

Brian Hamilton

Jim Ott

Teisha Doyle

Nate Patrick

Joshua Covert

Mary Ann Prince

Brandon Montemayor

Carolyn Condell

Dave Sheets

Shannon Grosum

Joanne Creede

Melissa Jeffo

HJ Leeman, Jr.

Arienne Benson

Ciaralyn Ramos

Jeffrey Hanks

Robin Schneider Jim Hodge Rosalinda Hernandez Steve Green Jermaine Dickens

Minutes

No action was taken on the minutes and they were moved to the next meeting.

Councilmember Wood requested to the public if they had specifics in the draft ordinance they would like addressed or questioned, please feel free to submit them in an email for clarity.

Public Comment on Agenda Items

Public Comment would be taken at the end of the meeting after the presentation the draft ordinance.

Discussion/Action:

Discussion on Draft Medical Marihuana Ordinance with City Attorney's Office

Councilmember Wood started by telling the group that the City cannot pass an enforcement ordinance that is a mandate to spend if dollars have not been appropriate for enforcement. After further review this is what the draft ordinance which was review by the Committee on March 31st was.

Currently the City Attorney has been looking at licensing models and looked at Ann Arbor and Muskegon where they currently have ordinances that comport with State law and not challenged. The State is also looking at other models, however until the State Statue is passed, it limits City ordinance passage and what the City can do. The Committee will review the draft ordinance and any questions will be taken and reviewed by Law for the next meeting. It was also noted that this draft has been sent to Departments, and therefore there is already a draft 2 in the works with the Department recommendations. Once draft #2 is done it will be forwarded to anyone that signed in with an email, therefore they were reminded again to make sure their email addresses were clear.

The Committee began with page 1 of the Medical Marihuana Ordinance which outlines the ordinance and comports with State and Federal Laws out there. Page 2 was referenced for definitions, noting that there might be a different definition, but according to this Ordinance this meaning is how it needs to be interpreted. The Committee moved onto page 3 which speaks to licensing requirements, and it was noted the caregiver does comport to state law. Councilmember Hussain referenced section (1) of 1301.03 lines 21-23 is strong enough for "grandfathering". Councilmember Wood noted there is no "grandfathering", everyone will be required to apply for a license, and the fact that a site is already an open establishment does not give them leverage over whoever wants to open. This is stated through the ordinance, part stated in the license section and at the end of the ordinance on page 12. Mr. Hussain acknowledges that the explanation answered his question.

The Committee moved further into the ordinance regarding licenses which is similar to the current ordinance. Churches are not part of this ordinance because they are not part of the State law. This was confirmed by Ms. Simmons. Councilmember Wood added that Law is still looking at the distance between schools.

The discussion moved to page 6, (19) line 19 which current is blank on the number of licenses which will be determined by the Committee after further discussions.

Page 7, Section 1301.05 is similar to what the City had in the ordinance in the past and similar examples from other cities. Councilmember Wood did acknowledge that currently "testing" is not listed but there is potential it might be added, and the Committee will take comments on that topic.

Councilmember Hussain referenced page 9, line 7 currently blank on the hours of operation. Councilmember Wood acknowledged that the hours have not been set yet.

The Committee moved onto page 9, Section 1301.06 which notes a caregiver can no longer cultivate in their homes. Councilmember Dunbar asked why that was written that way. Councilmember Wood referred to Ms. Simmons noting that it was modeled after Ann Arbor and Muskegon which have not been challenged. Ms. Simmons confirmed they drafted this ordinance after Muskegon, Ann Arbor and Detroit.

Councilmember Dunbar asked if there are other municipalities to model after that have been challenged, to cultivate from. Ms. Simmons stated she would look into others. Councilmember Wood noted that the conversations have been to get them out of the neighborhoods. Councilmember Dunbar also acknowledged there is competing interests, and once out of the neighborhoods then where. The burden is back on the caregivers to rent something out of their homes.

Councilmember Wood pointed out that this draft ordinance allows for multiple care givers to be at a certain location. If caregiver has a locked area to grow, they can all grow in the same facility. Councilmember Dunbar pointed out that it appears to be similar to an entrepreneur incubator, and a care giver could have 72 plants just not in their home. Councilmember Wood confirmed there would be no limit on caregivers and in a warehouse with locked units or they could rent from a place that was created. Councilmember Dunbar asked if the vision was similar to a co-op scenario but isolating their own plants, all for servicing their patients. Councilmember Wood admitted they are all general overviews now, and taking all comments into consideration.

Councilmember Hussain referred to page 10, lines 13-16 which speaks to where no medical marihuana facility or dispensary to be located, noting after referencing Detroit that this is not restrictive so why was the language pulled. Councilmember Wood noted this Section was based off of State language, and the City can become more restrictive and is enforceable if we are.

Councilmember Dunbar asked if this was a general recreational marihuana ordinance there would be different enforcement, however the City is talking about medicinal. There are no prohibitions from pharmacies such as Rite Aid, Walgreens, CVS, so since this is a medicinal situation can the City restrict any more than a pharmacy.

The Committee moved onto Section 1301.09, and Councilmember Hussain referenced page 11, line 16 asking if the City will define "public nuisance" or make a reference. Ms. Simmons clarified that "public nuisance" is already defined in the codified ordinance, but Law can look into it if the Committee wants something.

Lastly the Committee reviewed page 12 which spoke to penalties and discipline, acknowledge the terms were not defined yet, however made not that the City cannot charge more than it costs to do with the City and they have to justify the costs. Operating without licenses will be handled under other codified ordinances.

Councilmember Hussain asked if there is anything that prohibits minor without a registration card and without a guardian on site. Councilmember Wood asked Ms. Simmons to review the previous ordinance.

<u>Ordinance Imposing a Moratorium on the Issuance of Licenses for Medical Marihuana</u> Establishment

Councilmember Wood stated the for the Committee and public present that this proposed ordinance would impose a Moratorium on any new establishments opened after April 25, 2016, until the City completes the Medical Marihuana Ordinance. This will allow the City to take steps to close any new facilities based on the Moratorium Ordinance. The public hearing and the adoption will all take place on May 2, 2016 at the Council meeting at 5:00 p.m. This ordinance was drafted similar to the earlier moratorium ordinance.

Councilmember Dunbar asked if there will be a way to create a database so that the City will know what is currently established. Possibly from the business licenses of the County DBA database.

Councilmember Wood confirmed that Law did not advise that, and that this ordinance will authorize that there are no new established open after the enforced date in the ordinance and they would have to present proofs they indeed were open before the date. Law indicated they did not want any establishments to be given the assumption that they were open legally under the law.

Councilmember Dunbar then questioned how the City is going to know if an establishment wasn't already open before April 25th. Councilmember Wood stated the plan would be that they would have to give proofs to the City Attorney office which could include lease, ownership, utility bills in their names, etc. Councilmember Dunbar recalled with the last moratorium the Council stated that anyone operating now in the City as a facility will be required to put their name on the list, and if they are not on the list they would not be counted as an existing establishment, therefore it was up to them to self-report. Councilmember Wood acknowledges she understands the proposal but that was before we had the Appeal Court ruling indicating dispensaries are illegal.

The plan is to receive complaints and then the burden of proof will be on the establishment. Ms. Simmons added that the lease will not be the only decision making factor, they would need to provide enough evidence, and if they do not have anything, Law will look at other avenues. Councilmember Hussain spoke on a concern with the complaint basis and whether there would be proper enforcement.

Councilmember Wood was assured by the City Attorney they will follow thru with all complaints. Goal is to work in tandem with the finalization of the Medical Marihuana Ordinance and move that thru the pipeline to allow the City to issue licenses sooner than later, hopefully by the end of June.

MOTION BY COUNCILMEMBER DUNBAR TO INTRODUCE THE ORDINANCE ON IMPOSING A MORATORUM ON THE CREATION OF NEW MEDICAL MARIHUANA ESTABLISHMENTS AND SETTING THE PUBLIC HEARING FOR MAY 2, 2016 @ 5 P.M. MOTION CARRIED 3-0.

Public Comment

Mr. Hanks spoke in opposition to the Medical Marihuana Ordinance stating his opinion it was poorly drafted and asked what findings of fact, data and police reports were used to determine the ordinance wording. Mr. Hanks then began reviewing the ordinance page by page starting

on page 2, line 8. Councilmember Wood asked Mr. Hanks to submit his details in an email if he was going to go line by line of the ordinance. Mr. Hanks questioned the changes to caregiver noting that under the MMA it allows the caregivers to do what they can do, added that the City needs provisional centers, and the 5th amendments covers residents from stating anything about their medical marihuana use. Mr. Hanks concluded with his opinion that this Medical Marihuana Ordinance should not go forward without findings of fact.

Ms. Doyle spoke as a caregiver and patient in opposition to proposed changes in the Medical Marihuana Ordinance requirements as they relate to consuming on site, growing on site, and a separate facility outside of the home.

Mr. Montemayor referenced portions of the Medical Marihuana Ordinance, starting with the area specific to page 10, line 23, Section 1301.08 Locations of Medical Marihuana Home Cultivations Operations. The designated areas are multi use; however it states they can't be in multi-family dwellings. Councilmember Wood noted that just because an area is multi-family zoned, it doesn't mean there wouldn't be single family homes in that area. Mr. Montemayor asked for a list of the items Law would accept as proof for the moratorium ordinance, because the DBA is not enough for the State. Councilmember Wood reminded the group that only if there is a complaint would they require to provide proof, and Ms. Simmons can speak to individuals of what will be accept at the end of the meeting.

Mr. Patrick spoke in support of earlier comments by Mr. Hanks, supported provisionary centers, and stated they should be regulated by supply and demand. Currently there are licenses for the caregiver given by the State and for the City to require a second license he believes is a money grab. Lastly he noted to the Committee that the Federal government only allows no more than 99 plants in one location, so to designate no growing in homes but groups in an industrial area would violate the Federal law.

Mr. Covert spoke as an attorney representing caregivers and pointed out that the proposed restrictions in the Medical Marihuana Ordinance are contrary to what is currently in the medical marihuana law, therefore is prohibited. Mr. Covert then referred the City Attorney to review the City of Wyoming vs Terbreak case, and noted that Ann Arbor does not prevent someone from growing in their home, Ann Arbor Ordinance Section 7.502.

Ms. Schneider representing National Patients Right spoke in support of a list for the moratorium ordinance similar to the last moratorium ordinance. Ms. Schneider asked them to reconsider scaling back the definitions. The MMA is not subject to an inspection, why would the City require it with local license. The operation as a primary is prohibited, however not legal. On a side note, she mentioned that Muskegon and Ann Arbor did not ban pertaining to care giver centers. Councilmember Wood reminded the public that the Moratorium Ordinance does speak to non-residential grow, and this was the same language of last City Moratorium Ordinance. Ms. Schneider's opinion is that the idea of grows in one building is dangerous, and there should be no more 72 plants in one address. To encourage 100 in one building is against the Federal government and the State law.

Mr. Hodge stated his frustration with the process and opposition to growing in homes. He noted recent openings of growers near Sycamore Park, and Holmes Park. Mr. Hodge had contacted the City Attorney office but had not heard back yet.

Ms. Womboldt asked for clear specifications that there is no "grandfathering", no care givers in neighborhoods, and asked for additional stipulations in the City Ordinance that want is currently in the Medical Marihuana Act.

Ms. Hernandez spoke on regulations and not allowing near schools or parks.

Mr. Green spoke as a patient and his needs to help his condition in support of allowing medical marihuana growers.

Councilmember Wood commented that the Committee goal is to make a safe place where people who need medical marihuana can get it.

Ms. Parrish spoke in support of a cap on the establishments and limits throughout the City so not concentrated in one Ward. Ms. Parrish asked if the facility is located in a rental is that inspected similar to rental homes.

Mr. Womboldt spoke in opposition to growers in residential areas that affect the residents.

Ms. Mahlow asked for language that speaks to where the establishments are allowed that abut neighborhoods, language that speaks to perimeters from churches, schools, hospitals, etc. Ms. Mahlow also asked that the ordinance not allow for these establishments to sign off on allowing near their facilities, which currently the liquor license does accept.

Mr. Dickens asked the Committee not to model the ordinances after something that is a legal challenge.

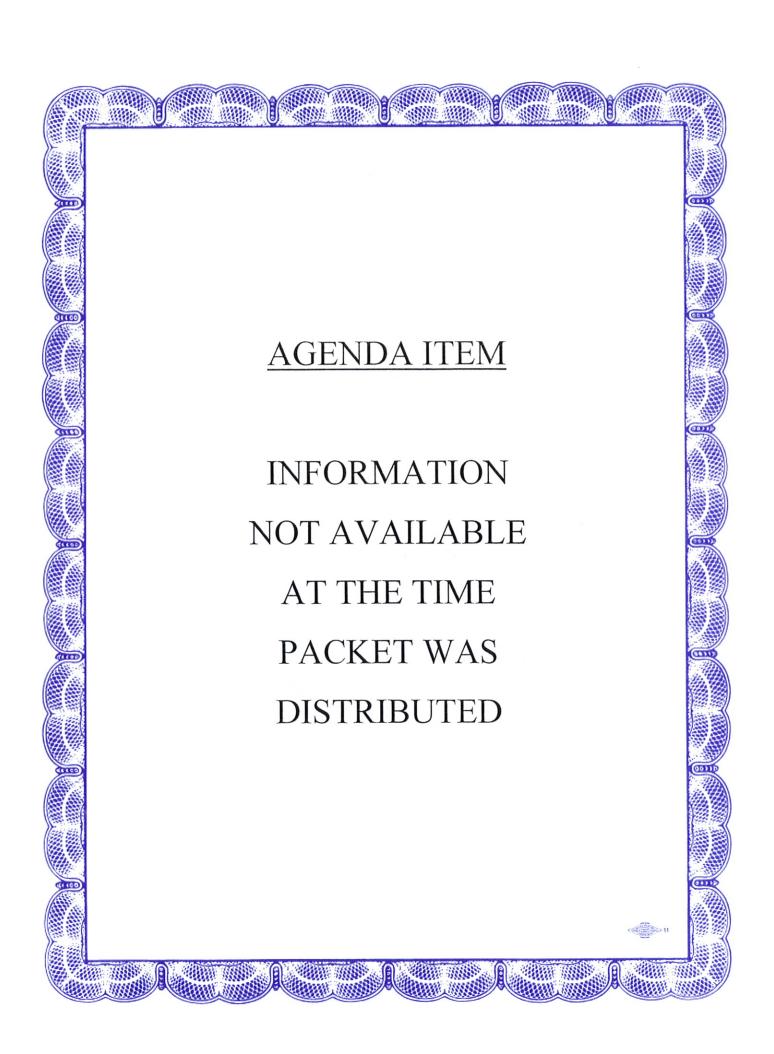
No further public comments.

Councilmember Wood informed the public of a site meeting scheduled for the Committee on Public Safety on May 6th at 6:30 p.m. at 3200 S. Washington. The Committee on Ways and Means will meet at 3:30 p.m. that same day to review the Recovery Agreement with the Lansing Housing Commission. These meetings will be posted for the potential of a quorum of Council. Currently the Committee is working on notifying the residents; however they were granted permission to go on site to inform them.

The Ordinance on Medical Marihuana will be addressed again at the May 13, 2016 meeting at 3:30 p.m. Any comments should be submitted in writing to council@lansingmi.gov. At this meeting the Committee will also have maps to address the zoning. Councilmember Dunbar asked if this new Ordinance will be an amendment to the current ordinance or the current ordinance will be rescinded, and Councilmember Wood stated it will rescind.

<u>ADJOURN</u>

The meeting was adjourned at 4:54 p.m. Submitted by, Sherrie Boak, Recording Secretary Lansing City Council Approved: May 13, 2016



1	CITY CODE OF ORDINANCES CHAPTER 1301.
2	MEDICAL MARIHUANA LICENSING AND OPERATIONS
3	1301.01 Legislative Intent
4	1301.02 Definitions
5	1301.03 Licensure requirements
6	1301.04 Applications for license
7	1301.05 Minimum Operational Standards of Medical Marihuana Provisioning Centers
8	1301.06 Minimum operational standards of medical marihuana home occupations
9	1301.07 Location of Medical Marihuana Provisioning Centers
10	1301.08 Locations of Medical Marihuana Home Occupations
11	1301.09 Denial and Revocation
12	1301.10 Penalties and discipline
13	1301.11 No vested Rights
14	1301.12 Severability
15	
16	1301.01 -LEGISLATIVE INTENT
17 18 19 20 21 22 23 24 25 26 27	The City intends to license and regulate medical marihuana facilities, dispensaries and home cultivation to the extent they are permitted under the Michigan Marihuana Act. The City does not intend that licensing and regulation under this Chapter be construed as a finding that such operations are legal under state or federal law. Although some specific uses of marihuana are allowed by the Michigan Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law, making it unlawful under federal law to manufacture, distribute, or dispense. By requiring a license and compliance with requirements set forth in this Chapter, the City intends to protect to the extent possible, the public health, safety and welfare of the residents of and visitors to the City, including registered qualifying patients and their caregivers, especially from harm that might result from those who may choose to conduct medical marihuana operations in ways that are inconsistent with the mandates of this Chapter.
28 29 30	This Chapter permits activities as described in the Michigan Marihuana Act. Nothing in this Chapter shall be construed as allowing persons to engage in conduct that endangers others or to allow the use, cultivation, or growth of medical marihuana not in strict accordance with what is authorized by the Act.

1 1301.02 – DEFINITIONS

- 2 For the purposes of this chapter:
- 3 (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the
- 4 definition given in the Michigan Medical Marihuana Act.
- 5 (b)Any term defined by 21 USC 860(e) shall have the definition given by 21 USC 860(e).
- 6 (c)The following terms shall have the definitions given:
- 7 "Department" means the State of Michigan Department of Community Health.
- 8 "Dispensary" means a location where one or more primary caregivers store and distribute medical
- 9 marihuana out of a building or structure.
- 10 "Distribution/Distributed" means the physical transfer of any amount of marihuana in any form from a
- 11 primary caregiver to a qualifying patient.
- "Distributor" means a primary caregiver who engages in any one or more acts of distribution.
- 13 "Facility" means a commercial business having a separate or independent postal address where medical
- marihuana is cultivated and also may be distributed.
- 15 "Licensee" means a person holding a city issued license related to medical marihuana operations.
- 16 "Medical Marihuana" means any marihuana intended for medical use that meets all requirements for
- 17 medical marihuana under the act and excludes any form of marihuana inconsistent with the definition
- of usable marihuana under the Act; 1976 PA 368, MCL 333.7106.
- 19 "Michigan Medical Marihuana Act" or "Act" means the Michigan medical marihuana act, 2008 Initiated
- 20 Law, MCL 333.26421 to 333.26430.
- 21 "Medical use of Marihuana" means the acquisitions, possession, cultivation, manufacture, extraction,
- use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products,
- 23 or paraphernalia relations to the administration of marihuana to treat or alleviate a registered qualifying
- 24 patient's debilitating medical condition.
- 25 "Medical Marihuana Home Cultivation Operations" means the residential cultivation of Medical
- 26 Marihuana by a Qualifying Patient as defined by the Act, in compliance with the general rules of the
- 27 Department of Licensing and Regulatory Affairs, within a single family dwelling that is the Registered
- 28 Qualifying Patient's primary residence and which cultivation is in conformity with the restrictions and
- 29 regulations contained in the Act, this Chapter and any State regulations developed by the Michigan
- 30 Department of Licensing and Regulatory Affairs (LARA). Medical Marihuana Home Cultivation is
- 31 prohibited in any multi-family dwelling.

- 1 "Primary caregiver" or "caregiver" means a person as defined under MCL 333.26423(g) of the Act, and
- 2 who had been issued and possesses a Registry Identification Card under the Act. The cultivation of
- 3 marihuana by a caregiver and the provision of caregiver services relating to marihuana use shall be
- 4 permitted in accordance with the Act.
- 5 "Principal residence" means the place where the person resides more than half of the calendar year.
- 6 "Qualifying patient" or "patient" means a person who has been diagnosed by a physician as having a
- 7 debilitating medical condition and who has been issued and possesses a Registry Identification Card
- 8 under the Act.
- 9 "Restricted/Limited Access Area" means, a building, room or other area under the control of the
- 10 licensee with access limited to qualifying patients or primary caregivers.
- 11 "Registry Identification card" means the document defined by the Michigan Medical Marihuana Act.

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1301.03 -LICENSURE REQUIREMENTS.

- 14 (a) The cultivation of marihuana by a caregiver or any other person permitted under the Act, and the
- 15 provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with
- the Act. No cultivation, distribution, and other assistance to patients shall be lawful at a location unless
- 17 such location for such cultivation, distribution, and assistance shall have been licensed under this
- 18 Chapter.
- 19 (1) A facility or dispensary in operation on the effective date of this ordinance may continue 20 operations without a license only if the operator applies for a license within thirty (30) days of 21 the effective date of this ordinance and if no zoning, permit, or license applications or approvals 22 have already been denied. Proof of operation before implementation of this ordinance shall be 23 provided at the time of applying.

24

- (b) Each caregiver operating at a facility or dispensary shall obtain a separate license prior to operating.
- 26 (c) The following locations shall require licensure:
- 27 (1) A facility used for the cultivation of marihuana by caregivers or patients permitted under the Act;
- 29 (2) A dispensary or facility used for distribution;
- 30 (3) Any facility used to provide any other assistance to patients by caregivers permitted under the Act relating to medical marihuana;

1 2	(4) The principal residence of a patient where marihuana is cultivated exclusively for such patient's personal consumption.
3	
4	(d) Operating as a primary caregiver is prohibited in a residence.
5 6 7 8	(e) Any portion of the structure where energy usage exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subjected to inspection and approval by the fire department to insure compliance with the city's adopted International Fire Code.
9 10 11 12	(f) All premises required to be licensed shall be open for inspection upon request by the city's appointed inspectors, building officials, fire department, and/or law enforcement officials for compliance with all applicable laws and rules during normal business hours of 9:00 a.m. until 5:00 p.m. or as such times as anyone is present on the premises.
13	1301.04 -APPLICATION FOR LICENSE.
14 15 16 17	(a) An application for an annual license or renewal of a previously issued license under this section shall be submitted to the city clerk. A license shall be issued or renewed upon payment of the required fee, submission of a completed application in compliance with the provisions of the article, and compliance with all provisions and requirements of this article.
18 19 20	(b) An application renewal shall be submitted annually. Applications to renew a license under this article shall be filed at least 30 days prior to the date of expiration. Such renewal shall be accompanied by the annual fee.
21 22 23	(c) An application shall include the names of all caregivers operating in the same facility/dispensary or on the same premises and a copy of the caregiver's state issued registry identification card.
24 25 26 27 28	(d) Pursuant to the act, primary caregivers shall not have any felony convictions within the past ten years and shall not have ever been convicted of a felony involving illegal drugs or a felony that is an assaultive crime. If a criminal background check reveals any such felony conviction, no license shall be issued and any existing license shall be revoked.
29 30 31	(e) No license shall be issued and/or an existing license may be revoked if applicant or business owes to the City any outstanding back taxes, fines, fees or liens.
32	(f) When applicable, each license application required by this chapter shall include the following:
33 34 35 36	(1) The marihuana facility history of the applicant; whether such person has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
37 38	(2) The address of the precise premises at which there shall be possession, cultivation, distribution or other assistance in the use of medical marihuana.

- (3) The initial application fee or renewal fee as established by council; thereafter they shall be established by annual resolution of the city council.
- (4) The name and address of the place where all unused portions of marihuana plants shall be disposed.
- (5) Describe the enclosed, locked facility in which any and all cultivation of medical marihuana is proposed to occur, or where medical marihuana is stored, with such description including: location of building, precise measurements in feet of the floor dimensions and heights; the security device for the facility; and in the case with facilities with more than one primary caregiver, a declaration that each caregiver will only have access to the medical marihuana that is identified to that caregiver and to the individual qualified patients associated with the caregiver.
- (6) Specify the number of patients to be assisted by each caregiver, separating the number of patients for whom medical marihuana is proposed to be cultivated from the number of patients to be otherwise assisted on the premises.
- (7) If the applicant is an individual, the applicant's name, date of birth, physical address, copy of photo identification, email address, and one or more phone numbers, including emergency contact information;
- (8) If the applicant is not an individual, the names, dates of birth, physical addresses, copy of photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder as an emergency contact person and contact information for the emergency contact person. In addition, the articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and the operating agreement of the applicant;
- (9) A statement with respect to each person named on the application that he or she has not been convicted of or pled guilty to a felony involving controlled substances or assaultive crimes preceding the date of application;
- (10) One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana operations will be conducted; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of the lease for the premises;
- (11)Proof of an insurance policy covering the facility or dispensary and naming the city as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least one million dollars for property damage; (b) at least one million dollars for injury to one person; and (c) at least two million dollars for injury to two or more persons

2	A.M. Best company insurance ranking of B+, consistent with state law;
3	(12) A Security Plan;
4 5	(13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the city;
6 7	(14) An affidavit that only primary caregivers will be involved in the transfer of marihuana to qualifying patients and only in the manner allowed by the Act;
8 9	(15) Any proposed text or graphical materials to be shown on the exterior of the proposed facility of dispensary;
10	(16)Patient Education plan;
11	(17) Recordkeeping and inventory control;
12 13 14 15 16	(18) A location area map of the facility or dispensary that identifies the relative locations and the distances to the facility of the real property comprising a public or private elementary, vocational or secondary school; a child care organization required by the child care organizations act, PA 1 16 of 1973, to be licensed or registered by the Michigan Department of Human Services.
17 18	(19) A facility or dispensary sanitation Plan;
19 • 20 21 22 • 23	(g) Upon receipt of a completed facility or dispensary application meeting the requirements of this Chapter the city clerk will confirm that the number of existing licenses does not exceed the maximum number established by resolution pursuant to subsection(h) No application shall be approved unless:
24 25 26 27 28	(1) The Fire Department and the Building Safety Office have inspected the proposed location for compliance with all laws for which they are charged with enforcement;(2) The applicant and each stakeholder of the applicant have passed a background check conducted by the Police Department;
29 30 31	(3) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code;
32 33 34	(4) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City.

- 1 (i) If final approval is obtained, all use of the property shall be in accordance with the license 2 application, including all information and specifications submitted by the applicant in reliance on 3 which the application shall be deemed to have been approved. 4 (j) Licensees shall report any other change in the information required by this section to the City 5 Clerk within ten days of the change. 6 7 (k) Any applicable application or license fees will be set by Council. 8 9 10 1301.05-MINIMUM OPERATIONAL STANDARDS FOR FACILITIES AND DISPENSARIES 11 12 (a) Nothing is this Chapter, or any companion regulatory provisions adopted in any other provision of 13 the Code, is intended to grant, nor shall it be construed as granting immunity from criminal 14 prosecution for: 15 (1) Cultivation, sale, consumption, use, distribution, manufacture or possession of marihuana in 16 any form not in compliance with the Act or, 17 (2) Any criminal prosecution under federal laws including seizure of property under the Federal Controlled Substances Act. 21 U.S.C. Sec. 801 et seq. 18 19 (b) Whether a facility or dispensary, there shall not be more than 12 Medical Marihuana plants being 20 cultivated by a patient for themselves or in the case of a caregiver, 12 per patient, for a maximum 21 number of 72 at any time. 22 (c) Consumption of Medical Marihuana shall be prohibited on the premises of a facility or dispensary, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
- 23
- 24 (d) The facility or dispensary shall continuously monitor the entire premises on which they are
- 25 operated with surveillance systems that include that include security cameras. The video recordings
- shall be maintained in a secure, off-site location for a period not less than 14 days. 26
- 27 (e) Public or common areas of a facility or dispensary must be separated from restricted or non-public
- 28 areas by a permanent barrier. No Medical Marihuana is permitted to be stored, displayed, or
- 29 transferred in an area accessible to the general public.
- 30 (f) All Medical Marihuana storage areas within a facility or dispensary must be separated from any
- 31 customer/patient areas by a permanent barrier. No Medical Marihuana is permitted to be stored in an
- 32 area accessible by the general public or registered customers/patients.
- 33 (g) Any usable Medical Marihuana remaining on the premises of a facility or dispensary while it is not
- 34 in operation shall be secured in a safe permanently affixed to the premises.
- (h) No facility or dispensary shall have a drive-through window on the premises. 35

- 1 (i) No facility or dispensary shall be operated in a manner creating noise, dust, vibration, glare, fumes,
- or odors detectable to normal senses beyond the boundaries of the property on which the facility or
- 3 dispensary is operated.
- 4 (j) The license required by this chapter shall be prominently displayed on the premises of the facility or
- 5 dispensary.
- 6 (k) Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by
- 7 any person who may not lawfully possess it and otherwise in conformance with state law.
- 8 (I)All Medical Marihuana delivered to a patient shall be packaged and labeled as provided in this
- 9 chapter. The label shall include:
- 10 (1) A unique alphanumeric identifier for the person to whom it is being delivered;
- 11 (2) A unique alphanumeric identifier for the registered primary caregiver who is delivering the medical marihuana;;
- 13 (3)That the package contains Medical Marihuana;
- (4)The date of delivery, weight, type of Medical Marihuana, dollar amount or other
 consideration being exchanged in the transaction;
- 16 (5)A certification that all Medical Marihuana in any form contained in the package was 17 cultivated, manufactured and packaged in conformance with state law;
- 18 (6)The warning that:
- 19 This product is manufactured without any regulatory oversight for health, safety or efficacy.
- There may be health risks associated with the ingestion or use of this product. Do not drive or
- 21 operate heavy machinery while using this product. Keep this product out of reach of children.
- This product may not be used in any way that does not comply with the Michigan Medical
- 23 Marihuana Act or by any person who does not possess a valid medical marihuana patient
- 24 registration card.
- 25 (7)The name, address, email address, and telephone number of the facility or dispensary center
- that a patient can contact with any questions regarding the product.
- 27 (8)Child-proof packaging shall be used for any medical marihuana infused-product, but is not
- required for any product that requires activation of the medical marihuana through the use of a
- 29 heat source.
- 30 (m) All registered patients must present both their Michigan registry identification card and Michigan
- 31 State ID prior to entering restricted/limited areas or non-public areas of the facility or dispensary.
- 32 (n) Each facility or dispensary shall be open for inspection during the stated hours of operation and as
- such other times as anyone is present on the premises.

1 (7) If a room with windows is utilized as a growing location, any lighting methods that exceed 2 usual residential levels between the hours of 11:00 p.m. and 7:00 a.m. shall employ shielding 3 methods, without alteration to the exterior of the residence, to prevent ambient light spillage 4 that may create a distraction for adjacent residential properties or vehicles on adjacent right-of-5 ways; 6 (8) Exterior signage identifying medical marihuana home cultivation is prohibited; 7 (9) The cultivation, process, or use of medical marihuana which creates noise, dust, vibration, 8 glare, fumes, noxious odors or electrical interference detectable to the normal senses from the 9 exterior of the curtilage of the premises shall be prohibited; and 10 (10) Copies of the registry identification card for the qualifying patient must be possessed during all times of operation. 11 12 1301.07 -LOCATION OF MEDICAL MARIHUANA FACILITIES AND DISPENSARIES. 13 (a) No Medical Marihuana facility or dispensary shall be located within: 14 (1) 1,000 radial feet of real property comprising a public or private elementary, vocational, or 15 secondary school; A child care organization required by the child care organization act, PA 116 16 of 1973, to be licensed or registered by the Michigan department of human services. 17 (b) Medical Marihuana facilities and dispensaries shall be limited to appropriate retail zoning districts as follows: 18 (1) The "F" and "F-1" Commercial, "E-2" Local Shopping, "G-2" Wholesale, "H" Light Industrial 19 20 and "I" Heavy Industrial Districts, as long as there is no residential use on the parcel containing 21 the facility or dispensary. 22 1301.08 -LOCATIONS OF MEDICAL MARIHUANA HOME CULTIVATION OPERATIONS. 23 (a) Medical Marihuana Home Occupations shall be limited to the following residential zoning districts: 24 (1) Zones "A", "B", "C", "DM-1", "DM-2", "DM-3", and "DM-4" 25 (b) Medical Marihuana Home Cultivation is prohibited in any multi-family dwelling. 26 27 1301.09 - DENIAL AND REVOCATION

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(b) A license does not prohibit prosecution by the federal government of its laws or prosecution by state

authorities for violations of the Act or other violations not protected by the Act.

(a) A license is valid only for the location identified on the license and cannot be transferred to another

location within the city without a new application.

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- 1 (c) If an applicant or licensee fails to comply with this Chapter or rules, if a licensee no longer meets the
- 2 eligibility requirements for a license under this ordinance, or if an applicant or licensee fails to provide
- 3 information requested by the City Clerk to assist in any investigation, inquiry, or administrative hearing,
- 4 the Clerk may deny, suspend, or revoke a license. The Clerk may suspend, revoke, or restrict a license
- 5 and require the removal of a licensee or an employee of a licensee for a violation of this Chapter. The
- 6 Clerk may impose civil fines, in the amount to be set by City Council Resolution, for each violation of this
- 7 Chapter, rules, or order of the City Clerk. In addition, a license may be suspended or revoked for any of
- 8 the following reasons:

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- (1) Any conviction for or guilty plea to a felony involving controlled substances by a licensee or any stakeholder of the licensee occurring: (a) within the ten(10) years preceding the date of the Application or the date of becoming a stakeholder, whichever occurs later; or (b) while licensed under this Chapter;
 - (2) Commission of fraud or misrepresentation or the making of a false statement by the licensee or any stakeholder of the licensee while engaging in any activity for which this Chapter requires a license;
 - (3) The licensee's operation is determined by the City to have become a public nuisance;
- 17 (d) A license issued under this chapter may be revoked after an administrative hearing at which it is
 18 determined that any grounds for revocation under Subsection (c) exist. Notice of the time and place of
 19 the Hearing and the grounds for revocation must be given to the Licensee at least five days prior to the
 20 date of the Hearing, by first class mail to the address given on the license application or any address
 21 provided pursuant to Section 1300.03(g).
 - (e) The City Clerk may designate a Special Hearing Officer to conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to the exercise and discharge the powers and duties of the clerk under this Chapter.
- (f) Suspension or revocation of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or revocation or any other code violations not protected by the Act.
- (g) Each day that a licensee shall conduct an operation, whether it be facility, dispensary or home
 cultivation related, without a license or allow, operate, or assist in said unlicensed operation shall
 constitute a separate offense.
- (h) If a licensee has ceased business operations for 60 consecutive days, the licensee shall return the
 license to the City Clerk. If the licensee demonstrates good cause and all required fees are paid, the
 Clerk may place the license in escrow for up to 1 year. To remove a license from escrow, the licensee
 must submit the Clerk with a written request and any other information required by rule.

1301.10 PENALTIES AND DISCIPLINE

- 2 (a) The city of Lansing may require an Applicant or Licensee to produce documents, records, or any
- 3 other material pertinent to the investigation of an application or alleged violation of this Chapter.
- 4 Failure to provide the required material may be grounds for Application denial, license revocation, or
- 5 discipline.

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- 6 (b) Any person in violation of any provision of this chapter shall be subject to a civil fine. Increased civil
- 7 fines may be imposed for repeated violations of any requirements or provisions of this Ordinance. As
- 8 used in this section "repeat offense" means a second or any subsequent infraction of the same
- 9 requirement or provision committed by a person within any 12-month period and for which the person
- 10 admits responsibility or is determined to be responsible. Unless otherwise specifically provided in this
- Ordinance or any other ordinance for a Municipal Infraction, the increased schedule is as follows:
- 12 1. _____, plus costs the first infraction;
- 2. A fine of any offense which is a first repeat offense shall be not less than _____ dollars nor more than five hundred dollars (\$500.00), plus costs.
- 3. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than dollars plus costs.
- 17 (c) All fines imposed under this Chapter shall be paid within 45 days after the effective date of the order
- imposing the fine or as otherwise specified in the Order. If the licensee fails to pay any and all fines
- within 45 days, the clerk may initiate revocation/suspension proceedings.

20 **1301.11 -NO VESTED RIGHTS**

- 21 A property owner shall not have vested rights or nonconforming use rights that would serve as a basis
- for failing to comply with this Chapter or any amendment of this Chapter.

23 **1301.13 - SEVERABILITY**

- 24 If any clause, sentence, section, paragraph, or part of this Chapter, or the application thereof to any
- 25 person, legal entity, or circumstance, shall be for any reason adjudged by a court of competent
- 26 jurisdiction to be invalid, the application of such provision to other persons, legal entities or
- 27 circumstances by such shall be confined in its operation to the part of the this Chapter directly involved
- in the case or controversy in which such judgment shall have been rendered and to the person, legal
- 29 entity or circumstances then and there involved. It is hereby declared to the legislative intent of this
- 30 body that the Chapter would have been adopted had such provision had not been included in this
- 31 Chapter.

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INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An Ordinance of the City of Lansing, Michigan, to add Chapter 878 to the Lansing Codified Ordinances by imposing a Moratorium on the creation of new Medical Marihuana Establishments

The Ordinance is referred to the Committee on Public Safety

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for May 2, 2016 at 5:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an ordinance of the City of Lansing, Michigan, to add Chapter 878 to the Lansing Codified Ordinances by imposing a Moratorium on the creation of new Medical Marihuana Establishments

Interested Persons are invited to attend this Public Hearing

5-bmitted e mtg 4/22/14

1 ORDINANCE NO. _____

- 2 AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD CHAPTER
- 3 878 TO THE LANSING CODIFIED ORDINANCES BY IMPOSING A MORATORIUM ON
- 4 THE CREATION OF NEW MEDICAL MARIHUANA ESTABLISHMENTS.
- 5 THE CITY OF LANSING ORDAINS:
- 6 Section 1. THAT CHAPTER 878 BE ADDED TO THE CODIFIED ORDINANCES OF
- 7 THE CITY OF LANSING, MICHIGAN, TO READ AS FOLLOWS:
- 8 CHAPTER 878. MEDICAL MARIHUANA ESTABLISHMENTS
- 9 878.01. LEGISLATIVE FINDINGS
- 10 THE CITY COUNCIL HAS DETERMINED THAT:
- 11 (a) THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ.,
- 12 PRESCRIBES HOW MEDICAL MARIHUANA IS TO BE DISPENSED FROM A PRIMARY
- 13 CAREGIVER TO A QUALIFIED PATIENT.
- 14 (b) THE CITY IS DILIGENTLY STUDYING ITS OPTIONS WITH RESPECT TO
- 15 REGULATION OF OTHER ACTIVITY RELATING TO THE PROVISION OF MEDICAL
- 16 MARIHUANA PURSUANT TO THE MICHIGAN MEDICAL MARIHUANA ACT. WHICH
- 17 REQUIRES CAREFUL CONSIDERATION OF THE MICHIGAN MEDICAL MARIHUANA
- 18 ACT AND ITS IMPLICATIONS TO THE CITY.
- 19 (c) A MORATORIUM ON NEW MEDICAL MARIHUANA ESTABLISHMENTS
- 20 STARTING OPERATIONS AFTER APRIL 25, 2016, UNTIL THE CITY HAS COMPLETED
- 21 ITS STUDY OF THE MICHIGAN MEDICAL MARIHUANA ACT AND ITS

- 1 IMPLICATIONS FOR THE CITY IS IN THE BEST INTEREST OF THE PUBLIC HEALTH,
- 2 SAFETY, AND WELFARE.
- 3 (d) NO VESTED RIGHTS
- 4 A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NON-CONFORMING
- 5 USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH
- 6 THIS ORDINANCE OR ANY AMENDMENT OF THIS ORDINANCE OR ANY
- 7 SUPERCEEDING ORDINANCE.

- 9 878.02. DEFINITIONS
- 10 (1) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
- 11 333.26421 ET SEQ., SHALL HAVE THE MEANING GIVEN IN THE MICHIGAN MEDICAL
- 12 MARIHUANA ACT.
- 13 (2) "MEDICAL MARIHUANA ESTABLISHMENT" MEANS ANY NONRESIDENTIAL
- 14 LAND USE INVOLVING THE GROWTH, DISTRIBUTION, STORAGE, OR USE OF
- 15 MARIHUANA.
- 16 (3) "NEW" MEANS ANY MEDICAL MARIHUANA ESTABLISHMENT THAT BEGAN
- 17 OPERATING AFTER APRIL 25, 2016.
- 18 (4) "OPERATING/OPERATIONS" MEANS ENGAGING IN THE PROVISON OR
- 19 DISPENSING OF MEDICAL MARIHUANA.
- Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
- 21 inconsistent with the provisions hereof are hereby repealed.

CITY COUNCIL DRAFT #1 APRIL 21, 2016

1	Section 3. Should any section, clause or phrase of this ordinance be declared to be
2	invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
3	other than the part so declared to be invalid.
4	Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
5	immediate effect by City Council.
6 7 8 9 10	Approved as to form:
9 10	Dated:
11	Butcu.
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